

JUANITA HOPKINS WARD,

Appellant

v.

TALBOT COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 04-17

OPINION

In this appeal, Appellant contests the local board's decision to pass a resolution dedicating the stadium at Easton High School in memory of J. Sam Meek, the recently deceased superintendent of the Talbot County Public Schools. ("TCPS"). Specifically, Appellant alleges that the local board's passage of the resolution was illegal, arbitrary, and unreasonable for a variety of reasons discussed below, but most notably because notice of the intent to consider dedicating the stadium was not given to the public. The local board has submitted a Motion for Summary Affirmance maintaining that its decision is not arbitrary, unreasonable, or illegal and also challenging the standing of Appellant.¹ Appellant has submitted an opposition to the local board's motion and the local board has filed a response to that opposition. Lastly, Appellant has filed a reply to the local board's response.

FACTUAL BACKGROUND

Dr. J. Sam Meek served as Superintendent of the Talbot County Public Schools from 1993 until his death in 2003. During his tenure, Dr. Meek strove to improve both academics and athletics throughout the TCPS. While Dr. Meek put academics before athletics, a number of significant improvements were made to athletic facilities during his term. In fact, Assistant Superintendent John Massone noted that "one of Dr. Meek's first areas of interest when he first came to the county was the athletic stadium at Easton High School because it was in such a state of disrepair." (Exhibit 3 to Appellant's Appeal of November 20, 2003; article for *The Star Democrat*, 11/7/03). A new track, a new scoreboard, and stadium lights were installed at the stadium. A new snack bar, press box, and restrooms were built. New fencing and electrical services were installed.

¹Appellant requested that the appeal be renamed as *Citizens for the Preservation of the Warrior Stadium Name*. However, despite, requests to do so, Appellant has not presented any evidence as to who composes this citizens group. She has presented petitions that protest the board's resolution, with many signatures but no explanation as to whether each of these individuals is a member of the group or just a signatory to the petition circulated by the group. Accordingly, the issues raised in the appeal will be considered under Appellant's name.

After his untimely death, a group of fourteen TCPS employees submitted a letter to Superintendent Karen Salmon, seeking the dedication of the stadium in memory of Dr. Meek. (Letter of September 20, 2003). The letter was signed by a broad spectrum of employees, including both African American and white, those hired by Dr. Meek, and those who predated Dr. Meek in the school system. They included the Easton High School Athletic Director, the TCPS Athletic Director, and the Principal of Easton High School. The letter noted the desire to have the official dedication take place at the Homecoming football game on October 24, 2003. The signatories noted that the cost of the signage necessary for the dedication would be contributed by staff county wide.

Dr. Salmon determined that it was not her decision to dedicate the stadium but rather a decision to be made by the Talbot County Board of Education. At the next local board meeting on October 22, 2003, during the open session of the meeting, Dr. Salmon presented the letter to the board as part of the Superintendent's Report. After consideration of the request, the local board approved a resolution to dedicate the stadium to Dr. Meek. While the stadium is dedicated in memory of Dr. Meek, it remains "Home of the Warriors", a picture of the American Indian Warrior remains a prominent feature of the stadium, and the school teams are still referred to as "Warriors". (Exhibit 3 to the local board's motion). This appeal followed.

ANALYSIS

The standard of review that the State Board applies in reviewing the decision of a local board concerning a local policy is that the local board decision shall be considered *prima facie* correct and the State Board will not substitute its judgment for that of the local board unless the decision is shown to be arbitrary, unreasonable, or illegal. *See, e.g., Breads v. Board of Education of Montgomery County*, 7 Op. MSBE 507 (1997). A decision may be arbitrary or unreasonable if it is contrary to sound educational policy or a reasoning mind could not have reasonably reached the conclusion the local board reached. COMAR 13A.01.01.03E(1)(b).

1. Standing

The local board alleges that both Appellant and the group *Citizens for the Preservation of the Warrior Stadium Name* lack standing to bring this appeal. (Response to Request to Change Name, p. 2) With respect to the group, as noted in footnote 1, Appellant has not presented any evidence of who the members of the group are. Thus, we dismiss the appeal on behalf of the group for lack of standing because we cannot determine if the group has any direct interest or injury in fact, economic or otherwise.

The local board also alleges that Appellant lacks standing because she has not alleged any direct interest or injury in fact, economic or otherwise as a result of the local board's decision to dedicate the stadium to Dr. Meek. (Response to Request to Change Name, p. 1). The local board cites several cases in support of this allegation. However, each of the cases cited by the local board is distinguishable from Appellant's case. Appellant is a Talbot County taxpayer, the parent of a student who currently attends Easton High School, and is President of the Easton High School Alumni Association. Accordingly, we find that Appellant has standing because she does

have a direct interest in what occurs at Easton High School.

2. The Merits of the Appeal

Appellant contends that the resolution passed by the local board dedicating the stadium to Dr. Meek was illegal and unreasonable because: (1) the dedication was not specifically listed on the local board's agenda; (2) there was no emergency or extenuating circumstances to warrant renaming the stadium before implementing a policy on naming facilities; (3) the local board did not consult naming policies in other jurisdictions and the naming was not consistent with past board practice; and (4) Dr. Meek allegedly did not deserve to have the stadium named after him because "he was not entrenched in the 'spirit' of athletics to warrant having 'Warrior Stadium' renamed after him." (Opposition to Motion for Summary Affirmance, p. 1-3) She also alleges that there were certain irregularities in the letter from TCPS employees requesting the dedication, in the monetary contributions from employees, in the October 22, 2003 resolution; and that it was an abuse of discretion not to convene a Citizens' Advisory Committee meeting to discuss the dedication.

A. The Local Board's Agenda

There is no requirement that a resolution must be listed on the local board's agenda for it to be validly passed. The resolution was passed at an open meeting of the local board. Under Talbot County Board policy, the promulgation of a new policy or change or repeal of existing policy requires three readings before passage by the local board, (*See* Policy Code BF), but the passage of a local board resolution requires only favorable action by a majority of the total board:

Policy Code BDDFA

Board Resolutions

Adoption of resolutions (as with all motions, policies, resolutions

etc.) requires favorable action by a majority of the total Board.

(State Bylaw 13.02.03.A) (sic)

The local board has seven members. The October 22, 2003 local board meeting was attended by five board members. Four voted in favor of the resolution and one member abstained. Thus, the resolution properly passed by a majority of the total board.²

B. Adoption of a Policy on Naming Facilities

Appellant argues that the local board should have waited to rename the stadium until after it had promulgated a specific policy on the naming of facilities. She notes that other jurisdictions

²Appellant alleges that because the resolution incorrectly noted a unanimous decision, that error renders the decision illegal. However, pursuant to Policy BDDFA, the resolution was lawfully passed by a majority of the board.

have policies specific to the naming of school facilities. We find, however, there is no legal requirement that the local board have such a policy.³

C. Other Jurisdictions' Policies and Past Practice

There is no requirement that the Talbot County Board of Education consult the policies of other jurisdictions before it passes a resolution. Nonetheless, we note the local board president has stated publicly that if name changes to school facilities are planned in the future, this experience will serve as guidance to the local board.⁴

Further, the procedure for dedicating the stadium was consistent with the practice followed the only other time that the local board has dedicated a facility to an individual. The October 24, 1994 minutes of the local board reflect that the St. Michael's High School Sports Boosters requested that the local board dedicate the gym in memory of Mr. Denver Leach. Consistent with Board Policy BDDFA, a motion was made, seconded, and the resolution was passed to dedicate the gym to Mr. Leach. There was no polling of the citizens of St. Michael's nor were the policies of any other jurisdictions reviewed. Just as the local board considered the request of employees to dedicate the stadium in Dr. Meek's memory, in 1994 the local board considered the request of the sports' boosters. Thus, the same practice was consistently followed by the Talbot County Board for the dedication of a school facility in memory of a deceased employee.

D. Dr. Meek was not "entrenched" in athletics.

Appellant argues that Dr. Meek was not sufficiently "entrenched" in athletics at Easton High School to warrant naming the stadium after him. (Opposition, p.2, ¶ 3) Even assuming the Dr. Meek was not interested in athletics, that evidence does not support a finding that the local board's action was arbitrary, unreasonable, or illegal. As stated above, a decision may be arbitrary or unreasonable if it is contrary to sound educational policy or a reasoning mind could not have reasonably reached the conclusion the county board reached.

³Appellant alleges that absent a policy, the local board should have followed Policy BF "Administration in Policy Absence". As the local board points out, that policy applies only to the actions of the superintendent and not to the local board. Appellant likewise suggests that the board should have followed Policy FL, "Retirement of Facilities". However, no facilities are being retired.

⁴The local board cites two cases in which the State Board upheld the naming decision of the local board. See *Springdale Property Homeowner's Assoc. v. Prince George's County Board of Education*, MSBE Op. No. 0029 (June 21, 2000) and *Robert L. Keeley v. Anne Arundel County Board of Education*, 4 Op. MSBE Op. 492 (1986). We find those cases can be distinguished on the basis that those jurisdictions had in place specific procedures for naming facilities which were followed in each case. Here, there are no procedures for naming facilities.

The dedication of a stadium in memory of a superintendent is not illegal, nor does it involve educational policy. Thus, the only question remaining is whether a reasoning mind could have reasonably reached the decision the county board reached.

It is clear that Appellant and a number of other individuals believe that dedicating the stadium in memory of Dr. Meek was inappropriate. However, there was evidence presented that Dr. Meek was instrumental in bringing about many improvements to the Easton High School athletic facilities and that “one of Dr. Meek’s first areas of interest when he first came to the county was the athletic stadium at Easton High School because it was in such a state of disrepair.” (Exhibit 3 to Appellant’s Appeal of November 20, 2003, article for *The Star Democrat*, 11/7/03).⁵ Based upon this evidence, a reasoning mind could have reached the same conclusion of the local board that the dedication of the stadium to Dr. Meek was appropriate. Moreover, only the stadium name was changed. The stadium is still referred to as the “Home of the Warriors” and the team is still known as the “Warriors”.

Further, the stadium was never officially named “Warrior Stadium”. As noted by the local board, a resolution was passed on April 1, 1970, to name the stadium the “Easton Memorial Stadium”. (Exhibit 1 to Appellee’s Response to Opposition). While Appellant presents anecdotal evidence that it was intended that Easton Memorial Stadium be dedicated to a different person annually, (*See* excerpt from the 1971 Easton High School yearbook, Exhibit 1 to Appellant’s Reply), that fact does not make the resolution to change the name in 2003 illegal, arbitrary, or unreasonable.

E. Certain Irregularities

Appellant alleges that because one copy of the letter supporting the dedication had check marks next to certain supporters’ names, irregularities might have occurred in the process. However, hypothetical scenarios are not evidence. Moreover, the copy of the letter that Appellant provided to counsel for the local board did not have any check marks.

Appellant also alleges that the employees who wrote the letter requesting the dedication and who contributed money for the dedication somehow engaged in unethical conduct. She implies that the employees might have something to gain by requesting the dedication, *i.e.* incurring favor with the superintendent. However, since Dr. Meek was deceased by the time the request was made, that scenario is highly unlikely and not supported by any evidence.

Appellant further contends employees’ contributions toward the signage may have violated TCPS Policy Code BBFA. That policy prohibits board of education officials from accepting any gift greater than \$50.00 from any person under the authority of the school system, except where such gifts would not represent a conflict of interest by the Ethics Panel. We find,

⁵ The fact that the sports boosters club raised money for the athletic department does not negate the fact that Dr. Meek did work to improve the athletic facilities at the high school.

however, since Appellant does not present any evidence that any person contributed an amount greater than \$50.00, this argument has no merit.

F. Citizen's Advisory Committee

Lastly, Appellant contends that the local board should have consulted with the Citizen's Advisory Committee before it took action to dedicate the stadium to Dr. Meek. (Response to Opposition, p. 2). We find, however, that there is no requirement in law or regulation that the local board has to consult with such a committee prior to the passage of a resolution. While it may have proven to be politically astute to consult with the committee or the general public, the fact that the local board did not do so does not render its decision illegal, arbitrary, or unreasonable. As stated above, based upon the contributions that Dr. Meek made in upgrading the stadium and its various facilities, a reasoning mind could reasonably reach the same conclusion as the local board did.

CONCLUSION

For all the reasons set forth above, we do not find that the local board acted arbitrarily, unreasonably, or illegally in this matter. We therefore affirm the decision of the Talbot County Board of Education.

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March 31, 2004